



KUPFERSTEIN MANUEL LLP

August 9, 2018

Via ECF

The Honorable Alison J. Nathan
U.S. District Court Southern District of New York
500 Pearl Street
New York, NY 10007-1312

RE: *Kadian Noble v. Weinstein, et, al.*,
Case No.17 Civ. 09260 (RWS):
**Joint Letter in Response to Notice of Initial Pretrial Conference (DE
119)**

Dear Judge Nathan:

The undersigned attorneys for Plaintiff Kadian Noble and Defendant Harvey Weinstein submit this letter to be included in the proposed Case Management Plan and Scheduling Order in accordance with the Notice of Initial Pretrial Conference dated May 22, 2019 (DE 119).

1. Statement of the Nature of the Action and Principal Defenses

A. Nature of the Action

This action alleges acts and conduct of entertainment industry executive Harvey Weinstein in violation of the sex trafficking statute, 18 U.S.C. § 1591, for which a civil remedy is provided under 18 U.S.C. § 1595. The Amended Complaint sets forth an incident occurring in Mr. Weinstein's hotel room at the Cannes Film Festival in May, 2014, which is the basis for Plaintiff's claim of liability. In addition to Harvey Weinstein, named Defendants are Robert Weinstein and The Weinstein Company. Robert Weinstein's Motion to Dismiss was granted (DE 84). The Weinstein Company (TWC) filed bankruptcy proceedings in March, 2018, and this case as against TWC is presently stayed pursuant to 11 U.S.C. § 362. Plaintiff's attorneys will be filing a motion for relief from stay in the TWC bankruptcy proceedings so that Plaintiff may proceed against TWC in this case, which TWC's bankruptcy counsel has advised they will not oppose.

B. Principal Defenses

The principal defenses of Defendant Harvey Weinstein are as follows: Defendant Weinstein denies all liability to Plaintiff.

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2. Jurisdiction and Venue

Jurisdiction lies pursuant to 28 U.S.C. §1331 as the claim is brought under a Federal Statute. Venue is proper as Defendant Weinstein resided in this District at the time of the Complaint.

3. Outstanding Motions/Requests to File Motions

None.

4.-5. Posture of Settlement Negotiations

Meaningful settlement negotiations have been proceeding and are active. These negotiations are complex, as they involve multiple parties, including among others: the TWC bankruptcy estate; the TWC Unsecured Creditors' Committee; other parties involved in TWC and its bankruptcy case; The Plaintiffs in multiple cases pending in different courts across the country; and the New York Office of Attorney General.

6. Estimated Length of Trial

10 days

7. Other Information the Parties Believe May Assist the Court

Defendant's criminal trial is scheduled to commence on September 9, 2019 in New York state court. As a result, the parties have agreed to stay proceedings for sixty (60) days, and request that the August 16, 2019 status conference be vacated and rescheduled to mid-October 2019.

Thank you for your consideration of this matter.

Respectfully submitted,

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